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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

EL CHANTI, HUSSEIN A

ART UNIT	PAPER NUMBER
2157	16

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No. 09/624,191	Applicant(s) DONNER ET AL.
Examiner Hussein A El-chanti	Art Unit 2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 January 2004.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Response to Amendment

1. This action is responsive to communication received on Jan. 16, 2004. Claims 12, 17 and 19 has been amended. Claims 1-20 are pending examination.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters reference characters "110" and "210" have both been used to designate host system; reference characters "135" and "235" have both been used to designate host device; reference characters "140" and "240" have both been used to designate host controller; and reference characters "150" and "255" have both been used to designate communication pathways. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, 6, 7 and 11-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Peterson et al., U.S. Patent No. 6,594,682 (referred to hereafter as Peterson).

As per claims 1, 12 and 17, Peterson teaches a method and computer program alerting a client of a state of change at a remote sever comprising:

creating a user profile indicating preference to receive at least one alert corresponding to a change in state at the remote server (see col. 10 lines 17-24);

connecting to communications system including the remote server (see col. 4 lines 17-27);

generating an address of the remote server (see col. 4 lines 40-46);

navigating to the address of the remote server (see col. 4 lines 46-52);

retrieving data corresponding to a particular type of alert from the remote serve (see col. 4 lines 46-52); and

using the retrieved data in delivering an alert to the client (see col. 4 lines 17-27).

As to claim 3, Peterson teaches the method of claim 1 wherein the address comprises a uniform resource locator (see col. 4 lines 41-46).

As per claims 6, Peterson teaches the method of claim 1 wherein using a graphical user interface to create the user profile (see col. 10 lines 9-32).

As per claims 7, Peterson teaches the method of claim 1 wherein storing the user profile on a host (see fig. 8 and its corresponding illustration)

As to claim 11, Peterson teaches the method of claim 1 wherein the alert corresponds to a change at a remote third party server (see col. 10 lines 10-24).

As to claim 13, Peterson teaches the computer readable medium claim 12 comprising a disc (see fig. 1 and 2 and corresponding illustration).

As to claim 14, Peterson teaches the computer readable medium claim 12 comprising a client device (see fig. 1 and 2 and corresponding illustration).

As to claim 15, Peterson teaches the computer readable medium claim 12 comprising a host device (see fig. 1 and 2 and corresponding illustration).

As to claim 16, Peterson teaches the computer readable medium claim 12 comprising a propagated signal (see fig. 1 and 2 and corresponding illustration).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson in view of Wick, U.S. Patent No. 6,691,162.

As to claim 8, Peterson teaches alerting a client of a state of change at a remote sever comprising creating a user profile indicating preference to receive at least one alert corresponding to a change in state at the remote server (see the rejection of claim 1).

Peterson does not explicitly teach the claimed limitation "instant messaging system". However Wick teaches a method of communicating notification between a server and a client using an instant messaging system (col. 4 lines 6-18).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Peterson by incorporating an instant messaging system as

taught by Wick because doing so would allow the user to be notified of updates or changes on a server instantaneously and therefore retrieve changes in the fastest communication method possible.

As to claim 4, Peterson teaches the method of claim 1 wherein navigating to the address includes using a browser (see col. 10 lines 17-24).

Peterson does not explicitly teach the claimed limitation "instant messaging system". However Wick teaches a method of communicating notification between a server and a client using an instant messaging system (col. 4 lines 6-18).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Peterson by incorporating an instant messaging system as taught by Wick because doing so would allow the user to be notified of updates or changes on a server instantaneously and therefore retrieve changes in the fastest communication method possible.

As to claim 5, Peterson teaches the method of claim 4 wherein the browser comprises a HTTP engine (see col. 6 lines 37-52).

5. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson in view of Payne et al., U.S. Patent No. 6,021,433 (referred to hereafter as Payne).

As to claim 8, Peterson teaches alerting a client of a state of change at a remote sever comprising creating a user profile indicating preference to receive at least one alert corresponding to a change in state at the remote server (see the rejection of claim 1).

Peterson does not explicitly teach the claimed limitation "remote mail server".

Payne teaches communication system using a server where the server could be a mail server (see col. 7 lines 57-col. 8 lines 5).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to implement a mail server in Peterson as taught by Payne because doing so would allow the user to check for updates using an e-mail server rather than accessing a webpage and therefore decreasing access to a remote server which might result in overload at a remote server.

As to claim 9, Peterson teaches a change at a remote weather server (see col. 7 lines 57-col. 8 lines 5).

As to claim 10, Peterson teaches a change at a remote stock server (see col. 7 lines 57-col. 8 lines 5).

6. Claims 18-20 do not teach or define any additional limitation over claims 1-17 and therefore are rejected for similar reasons.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Method And Apparatus Providing Notification Of Network Conditions by Hodges et al., U.S. Patent No. 6,449,365.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A El-chanti whose telephone number is (703)305-4652. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hussein El-chanti

April 2, 2004


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
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